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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER MONTANO,

Defendant.

2:20-CR-199-JAD-NJK

**Order Granting Motions re:
Real Property at 6633
Lavender Lion Street**

ECF Nos. 80, 81, 82

This Court, having read (1) the United States of America's Motion to Prevent HOA Esplanade Foreclosure Sale of 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No. 80; (2) the United States of America's Motion to Approve Sale Price and Sale Terms for Real Property Located at 6633 Lavender Lion St, North Las Vegas, Nevada 89086, ECF No. 81; (3) the United States of America's Motion to Prevent the Clark County Treasurer from Untimely Asserting an Interest in the Forfeited Property, ECF No. 82; and (4) Clark County's Notice of Non-Opposition, ECF No. 83, to the United States of America's Motion to Prevent the Clark County Treasurer from Untimely Asserting an Interest in the Forfeited Property; and having heard (5) counsel for HOA Lawyer Group, LLC, Steve Loizzi, Jr.'s email not opposing the United States of America's Motion to Prevent HOA Esplanade Foreclosure Sale of 6633 Lavender Lion St, North Las Vegas, Nevada 89086; and (6) counsel for Nevada Community Management, Michael Graves's statement that Nevada Community Management did not oppose the United States of America's Motion to Prevent HOA Esplanade Foreclosure Sale of 6633 Lavender Lion St, North Las Vegas, Nevada 89086.

This Court finds HOA Esplanade, Clark County, Nevada Community Management, and HOA Lawyer Group, LLC, have no claims or interests in 6633 Lavender Lion St, North Las Vegas, Nevada 89086, because any interests they may have had were

1 extinguished since they failed to use the exclusive procedures. Fed. R. Crim. P. 32.2(c)
2 Advisory committee's note-2000, subdivision (c)(2); 21 U.S.C. § 853(h), (n), and (n)(7).

3 The Court finds only the United States sells or designates who sells its property. The
4 Property Clause, Article IV, Section 3, Clause 2 of the United States Constitution; The
5 Supremacy Clause of Article VI, Clause 2 of the United States Constitution.

6 This Court finds HOA Esplanade, Nevada Community Management, and HOA
7 Lawyer Group, LLC, must not foreclose on 6633 Lavender Lion St, North Las Vegas,
8 Nevada 89086 and cannot collect past due HOA fees, costs, expenses, interest, fines, etc.
9 from the United States and the buyer of the property. After the United States transfers 6633
10 Lavender Lion St, North Las Vegas, Nevada 89086 to the buyer, Nevada Community
11 Management and HOA Esplanade may prospectively start the HOA fees for the property
12 again. *Id.*

13 This Court finds Clark County may not collect any and all past due taxes from the
14 United States and the buyer of the property at the time of the sale; after the United States
15 transfers 6633 Lavender Lion St, North Las Vegas, Nevada 8908, to the buyer, Clark
16 County may prospectively start taxing the property again. *Id.*

17 The Court finds the United States followed the forfeiture procedures properly and
18 correctly.

19 The Court approves the sale price and sale terms of 6633 Lavender Lion St, North
20 Las Vegas, Nevada 89086.

21 IT IS ORDERED, ADJUDGED, AND DECREED that Clark County, HOA
22 Esplanade, Nevada Community Management, and HOA Lawyer Group, LLC, have no
23 claims or interests in 6633 Lavender Lion St, North Las Vegas, Nevada 89086.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that HOA
25 Esplanade, Nevada Community Management, and HOA Lawyer Group, LLC, may not
26 foreclose on 6633 Lavender Lion St, North Las Vegas, Nevada 89086.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that HOA
28 Esplanade, Nevada Community Management, and HOA Lawyer Group, LLC, may not

1 collect past due HOA fees, costs, expenses, interest, fines, etc. from the United States and
2 the new buyer of 6633 Lavender Lion St, North Las Vegas, Nevada 89086.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that HOA
4 Esplanade, Nevada Community Management, and HOA Lawyer Group, LLC, may
5 prospectively start the HOA fees on 6633 Lavender Lion St, North Las Vegas, Nevada
6 89086 after the United States transfers it to the new buyer.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Clark County
8 may not collect past due taxes from the United States and the new buyer of the property;
9 Clark County may prospectively start taxing 6633 Lavender Lion St, North Las Vegas,
10 Nevada 89086 after the United States transfers it to the new buyer.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
12 States may sell 6633 Lavender Lion St, North Las Vegas, Nevada 89086 for the sale price of
13 \$450,000 and its sale terms.

14 DATED: July 6, 2023.

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16 JENNIFER A. DORSEY
17 UNITED STATES DISTRICT JUDGE
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